

PURPOSE

To ensure that placement of delinquent youth is based on the needs and best interests of the youth and the community, the safety of the youth, the family's strengths, and access to available resources.

DEFINITIONS**Least Restrictive Environment**

Supervised community placement, preferably a placement with the juvenile's parent, guardian, relative, or a facility or conditions of treatment that is a residential or institutional placement only utilized as a last resort based on the best interest of the juvenile or for reasons of public safety. MCL 712A.1(j).

Family Team Meeting (FTM)

A deliberate and structured approach to involving youth, families, and caregivers in case planning through a facilitated meeting of family and their identified supports.

Qualified Residential Treatment Program (QRTP)

A child caring institution that is defined as a program that:

- Has a trauma-informed treatment model designed to address the needs, and clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the child's assessment.
- Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff.
- Facilitates family participation in child's treatment program (if in child's best interest).
- Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the child.

- Documents how the child's family is integrated into the child's treatment, including post discharge, and how sibling connections are maintained.
- Provides discharge planning and family-based aftercare supports for at least 6 months post discharge.
- The program is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by the Secretary. 42 USC 672(k)(4).

QRTP Independent Assessor

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State. 42 U.S.C. 675a(D)(i).

**INITIAL PLACEMENT
AFTER
ACCEPTANCE****Placement
Selection Criteria**

All community-based placements must be in the least restrictive environment and made in compliance with Licensing Rules for Child Placing Agencies, Mich Admin Code R 400.12404, which requires that the juvenile justice specialist consider all of the following factors in selecting an appropriate placement for a youth:

- The permanency goal.
- The physical, emotional, and educational needs of the youth.
- Needs and preferences of the youth.
- Religious preference.
- Continuity of relationships.
- The available resources for timely placement.
- The youth's racial, ethnic and cultural needs.
- Is in the youth's best interest.

**Community-Based
Placement**

Placement in the youth's own home or a relative's home or the least restrictive, safe, most family like setting as close to the family as possible, is to be given priority. MCL 712A.13a(12).

**Non-Secure
Residential
Treatment Facility**

Placement in a non-secure juvenile justice residential treatment facility may only be considered when the offense(s) and required assessment tools completed by the juvenile justice specialist in MiSACWIS indicate a security level of *non-secure* and a Family Team meeting has been held and determined:

- The youth's needs cannot be met by any other type of placement.
- The youth's needs can be met in a non-secure private, contracted juvenile justice residential treatment facility.
- All community resources have been exhausted.
- The facility is the least restrictive placement to meet the youth's needs.

Exception: The juvenile justice specialist has recommended a community-based placement that meets the youth's needs, but a written court order for a placement with a security level of *non-secure residential* has been received.

When a youth meets the criteria for placement in non-secure juvenile justice residential facility, a juvenile justice assignment unit referral must be completed; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#) for detailed information.

Pregnant Youth Residential Preparation

The juvenile justice specialist is responsible for pre-planning for pregnant youth and any appropriate support for babies born to residents in private or public facilities. Mother-baby programs should be considered.

A clearly defined plan will be included in the initial service plan or updated service plan and shared with the committing court and

residential staff, prior to admission. The facility in collaboration with the juvenile justice specialist is responsible to assist the youth and family in planning for the unborn baby and any subsequent treatment issues.

The juvenile justice specialist responsibilities include:

- Ensuring that following birth, the baby is immediately enrolled in Medicaid.
- Ensuring parenting education is provided to youth by the facility or another agency.
- Informing the family of any paternity and/or guardianship requirements and available services such as Medicaid, ADCF, WIC, etc if a family member agrees to take the baby.

The facility staff responsibilities include:

- Facilitating prompt medical care to the youth before, during and after the birth.
- If the plan is for placement with the non-custodial parent, relative or foster care because the mother must remain in residential treatment after the birth, frequent and regular contact with mother and child must be facilitated by the residential staff.
- Prior to the birth, the youth will be provided with counseling to assist her in planning for her child's care.

Secure Residential Treatment Facility

Research shows that placement in detention or other secure facilities causes more harm than good when used for status offenders. MDHHS staff must **not** recommend the use of detention or other secure facilities for any youth adjudicated of a status offense or for a status offender that has violated a valid court order.

Placement in a secure juvenile justice residential treatment facility may only be considered when the offense(s) and required assessment tools completed by the juvenile justice specialist in MiSACWIS indicate a security level of *secure* or a written court order for a placement with a security level of *secure* has been received and an FTM has been held to determine if alternate

support services and safety plans can be implemented to maintain the youth in the community.

When a youth meets the criteria for placement in a secure juvenile justice residential facility, a juvenile justice assignment unit referral must be completed; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#) for detailed information.

Release or Replacement from Residential Placement

At least six months prior to the estimated release date, the DHS-738, Reentry Plan, must be drafted in MiSACWIS by the juvenile justice specialist with the assistance of the Treatment and Transition Team; see [JJM 230, Juvenile Justice Services Plans](#) and [JJM 430, Community Placement and Reentry](#) for detailed information on reentry planning responsibilities.

At or near satisfactory completion of treatment, the residential case manager and the juvenile justice specialist must agree that the youth is ready for release. Any disagreement between the JJS and residential case manager regarding release readiness or any other aspect of treatment planning which cannot be resolved at that level must be escalated to the director of the residential program and the juvenile justice specialist's supervisor for resolution.

If resolution is not achieved at that level, appeals must be escalated via the local Michigan Department of Health and Human Services (MDHHS) office director and/or business service center director to the director of Juvenile Justice Programs for resolution.

When the youth is determined to be ready for release, the juvenile justice specialist must petition the court for a release or replacement hearing if the court has not already ordered that the youth's release is at the discretion of the juvenile justice specialist between hearings or the next scheduled review hearing is more than 21 calendar days in the future. The juvenile justice specialist must attend the hearing.

The juvenile justice specialist must ensure that appropriate notification is provided to victims requesting notice; see [JJM 260, Victim Notification](#) for details on when notification is required.

The DHS-69, Foster Care/Juvenile Justice Action Summary, must be completed prior to any placement change; see [FOM 722-03, Placement Selection and Standards](#) for additional information on placement change documentation. Mich Admin Code, R 400.12403.

Inpatient Psychiatric Hospital Placement

See [FOM 722-03, Placement Selection Standards](#) for admission criteria and youth eligibility. MCL 803.304(4).

NEW ADJUDICATION OR CONVICTION

MJJAS Disposition Tool

The Michigan Juvenile Justice Assessment System Disposition Tool (MJJAS-DIS) must be completed when a youth is adjudicated or convicted of a new offense **and** it has been more than 6 months since the last MJJAS-DIS was completed (for example, the youth has been in residential placement more than 6 months and an MJJAS-DIS is not required with the updated supplemental service plans). If a new adjudication or conviction occurs during a case service plan reporting period for which an MJJAS-DIS is already required, the MJJAS-DIS should only be completed once. The MJJAS-DIS risk rating due to the new offense must be provided to the court along with the most recent risk rating to highlight any change in risk rating due to the new offense(s). The new risk rating must be used to assist with determining any necessary change in security level and/or treatment services to meet the youth's rehabilitation needs.

INDEPENDENT LIVING

Independent living preparation is required for all youth in out of home placement age 14 and older, regardless of their permanency planning goal. 42 USC 675(1)(D).

Once the youth is age 14, the caseworker must document the services provided and goals for future services within the *strengths and needs* section of MiSACWIS, which will help the youth prepare

for functional independence, for the Juvenile Justice Initial Service Plan (ISP), Juvenile Justice Updated Supplemental Service Plan (SUSP), or Juvenile Justice Updated Service Plan (USP).

For all youth 16 years or older prior to placement in independent living, the caseworker must assess the youth, with the Casey Life Skills Assessment, as being prepared for independent living and demonstrate a pattern of mature decision making.

Program requirements, documentation and eligibility can be found in [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#).

Independent Living Contract

Use the DHS-4527, Independent Living Agreement, form for an independent living arrangement. A copy of the agreement must be given to the youth.

The supervisor must review and approve the written independent living agreement for a youth before the independent living placement can be authorized regardless of funding source, (MDHHS allowance or self-support).

POST JURISDICTIONAL SERVICES

When planning for case closure, refer youth to appropriate services and provide with resources to promote a successful transition and ensure community safety.

Michigan Youth ChalleNGe Academy

The Michigan Youth ChalleNGe Academy is a 17.5-month, two phase program for youth 16 to 18 years old. The program incorporates eight core components that encourage physical, mental and moral development.

A youth is eligible to apply if they meet the following criteria:

- Not currently on parole or probation for anything other than a juvenile status offense.

- All court cases must be closed and not convicted of a felony.
- Youth may not be court ordered to the program.
- Must be a voluntary participant.

For additional contact information and the application process see Michigan Youth Challenge Academy website.

Job Corps

Any youth, age 16 and older who meet eligibility criteria may enroll in Job Corps which include:

- Educational assistance.
- Independent living skills.
- Career technical training.
- Job placement.

Youth who are on probation or under the supervision of an agency due to court action are ineligible for Job Corps. To become eligible the court or appropriate agency must certify in writing:

- The approval of the youth's release from the agency's supervision,
- The youth's release does not violate applicable laws and regulations, and
- The youth has responded positively to supervision.

If the youth has court fines or court-ordered restitution in excess of \$500.00 dollars the following criteria must be met and documented in writing:

- The youth settles the court fine or court-ordered restitution; or
- The court agrees to suspend the obligation during the youth's enrollment in Job Corps; or
- The regional office permits entry.

For additional information and eligibility criteria see [Job Corps website](#).

**Young Adult
Voluntary Foster
Care (YAVFC)**

The Social Security Act, 42 USC 675(8)(B)(ii)-(iv) includes an option for states to extend foster care maintenance payments for youth ages 18 to 21 who meet specific eligibility requirements.

To implement this option, Michigan has implemented the Young Adult Voluntary Foster Care Act, 2011 PA 225, MCL 400.641 et seq.

Youth who are dual wards at the time they become 18 years of age may be eligible for young adult voluntary foster care. See [FOM 902-21, Young Adult Voluntary Foster Care \(YAVFC\) Funding and Payments](#), and [FOM 722-16, Young Adult Voluntary Foster Care](#), for all eligibility and program requirements.

**LEGAL BASE
Federal****Social Security Act, 42 USC 675(8)(B)(ii)-(iv).**

Provides an option for states to extend foster care maintenance payments for youth ages 18 to 21 who meet specific eligibility requirements.

Social Security Act, 42 USC 675(1)(D).

Provides requirements for youth's age 14 and older to be provided services which prepare for the transition from foster care to successful adulthood.

Social Security Act, 42 USC 672(k)(4).

Provides definition of Qualified Residential Treatment Program.

Social Security Act, 42 U.S.C. 675a(D)(i).

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

State**Child Care Organizations Act, 1973 PA 150, MCL 722.111(w).**

Provides definition of Qualified Residential Treatment Program.

Child Care Organizations Act, 1973 PA 150, MCL 722.123a(1)(a).

In the case of a child in foster care who is placed in a qualified residential treatment program, the following requirements apply:

Within 30 days after the start of each placement in a qualified residential treatment program, a qualified individual shall do all of the following:

Assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the secretary.

Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

Develop a list of child-specific short-term and long-term mental and behavioral health goals.

Child Care Organizations Act, 1973 PA 150, MCL 722.123a(3).

Within 60 days after the start of each placement in a qualified residential treatment program, the court, or an administrative body appointed or approved by the court, independently, shall do the following:

Consider the assessment, determination, and documentation made by the qualified individual.

Determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the goals for the child, as specified in the permanency plan for the child.

Approve or disapprove the qualified residential treatment program placement.

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.304(3) and (4).

MDHHS may supervise a public ward placed in private home care. Youth may be placed in any facility, residence, or program described in this section. If the youth agency determines the best interests of a public ward require the involvement of another state or county entity, other than the department of corrections, then the youth agency and that state or county entity shall determine an appropriate care and treatment plan for the public ward. A youth agency may place a public ward in a mental institution under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, unless the public ward resides with their parents. If the public ward resides with their parents, placement in a mental institution requires consent of the custodial parent. If placement in a mental institution occurs, the public ward shall be returned to the youth agency's custody upon release from the mental institution.

The Probate Code, 1939 PA 288, as amended, MCL 712A.1(j).

Defines the least restrictive environment for placement purposes.

The Probate Code, 1939 PA 288, as amended, MCL 712A.13a(12).

In determining placement of a juvenile pending trial, the court shall order the juvenile placed in the most family-like setting available consistent with the juvenile's needs.

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1).

MDHHS shall assume responsibility for all children committed to it by the juvenile division of the probate court, the family division of circuit court, or the court of general criminal jurisdiction under the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935 PA 220, MCL 400.201 to 400.214. MDHHS may provide institutional care, supervision in the community, boarding care, halfway house care, and other children and youth services and programs necessary to meet the needs of those children or may obtain appropriate services from other state agencies, local public agencies, or private agencies. If the program of another state agency is considered to best serve the needs of the child, the other state agency shall give priority to the child.

Young Adult Voluntary Foster Care Act, 2011 PA 225, MCL 400.641 et seq.

Establishes a program for youths at least 18 years of age who choose to remain under certain state care up to 21 years of age.

**Michigan
Administrative
Code****Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12403.**

This rule requires a written policy and procedure for placement and change of placement.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12404.

This rule requires priority placement with relative and/or siblings and consideration all of the following factors in selecting an appropriate placement for a youth including the youth's permanency goal, needs and preferences of the youth, religious preference, continuity of relationships, the available resources for timely placement and, if in the youth's best interest, the youth's racial, ethnic and cultural needs.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.